



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Joseph P. Bort MetroCenter
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Memorandum

TO: Administration Committee

DATE: September 26, 2007

FR: Executive Director

W.I.: 0800

RE: Contract: Construction Services for Joseph P. Bort MetroCenter Seismic Retrofit Project

On September 12, 2007, this Committee authorized MTC's Executive Director to award a contract to Rubecon General Contracting, Inc. for the construction of the MetroCenter retrofit for an amount not to exceed \$1,906,213. Rubecon received Notice of Award (NOA) on September 14, 2007.

The terms of the Invitation for Bid gave Rubecon seven days from NOA to secure the performance and payment bonds required by the Invitation for Bid; Rubecon was not able to secure those bonds. Consequently, staff recommends that MTC reject Rubecon's bid and review the remaining bids to determine which is the next lowest responsive and responsible bid:

Bidder	Location	Amount
Rubecon General Contracting, Inc.	San Francisco	\$1,906,213
William P. Young Construction, Inc.	San Leandro	\$3,086,433
Cal Pacific Construction, Inc.	Pacifica	\$3,087,000
Nibbi Brothers Associates, Inc.	San Francisco	\$3,772,000
Sausal Corporation	San Leandro	\$3,999,000

The second and third lowest bids are within the construction estimate of \$3.3 million and would allow completion of the project within the current project budget.

Recommendation:

Staff recommends the Committee authorize the Executive Director or his designee to:

- Reject Rubecon's bid and award a contract to William P. Young assuming that the bid verification process shows that William P. Young is a responsible contractor and that its bid is responsive;
- If William P. Young is found to be nonresponsive, if its bid is not responsive, or if after notice of award, William P. Young cannot secure performance and payment bonds within

the requisite time period, reject William P. Young's bid and award a contract to Cal Pacific, assuming that the bid verification process shows that Cal Pacific is a responsible contractor and that its bid is responsive;

- If Cal Pacific is found to be nonresponsible, if its bid is not responsive, or if after notice of award, Cal Pacific cannot secure performance and payment bonds, reject Cal Pacific's bid and readvertise.

An award to William P. Young would be for \$3,086,433. An award to Cal Pacific would be for \$3,087,000. In either case, staff also requests an 18% contingency equal to \$550,000, to be used at the discretion of MTC for changes in work, for a total authorized amount, in the case of William P. Young, not to exceed \$3,466,433, and in the case of Cal Pacific, not to exceed \$3,467,000.

Steve Heminger

SH:SW

Attachment

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APPENDIX A

Joseph P. Bort MetroCenter Seismic Retrofit Mitigation Project

Projected Work Schedule & Time Line:

<i>Description of Task</i>	<i>Activity</i>	<i>Time Frame</i>	<i>Duration</i>	<i>Unit of Time</i>	<i>Work Completed By</i>
Development and Issuance of RFP	1	09/1/05 to 8/31/06	12	Months	Completed
Contractor Selection Process	2	9/1/06 to 10/4/06	1	Month	Completed
Contract Execution	3	10/5/06 to 12/11/06	2	Months	Completed
Design Phase and Development of Construction RFQ	4	12/12/06 to 6/30/07	6	Months	Completed
Issuance of Construction IFB and Bid Opening	5	6/07 to 8/07	2	Months	Completed
Approval of General Contractor by Admin. Committee	6	10/3/07 ¹ 9/12/07	1 0	Months	Project Manager, Admin. Committee
Contract Execution and Notice to Proceed	7	10/07-11/07 10/07	1	Month	Project Manager, Construction Manager, General Contractor
Construction Phase	8	11/07 to 5/08 10/07 to 4/08	6	Months	Structural Engineer, Construction Manager, General Contractor
Project Close Out	9	6/08 5/08	1	Month	Project Manager, Construction Manager
			32		
Estimated Total Duration:			34	Months	

¹Shows effect of reselecting contractor. ~~Strikethrough~~ is original schedule.

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Contract

Work Item No.:	0800
Consultant:	William P. Young Construction, Inc. (San Leandro) or Cal Pacific Construction, Inc. (Pacifica).
Work Project Title:	Construction Contract for Seismic Retrofit of the Joseph P. Bort MetroCenter
Purpose of Project:	Construct seismic retrofit strategy for the MetroCenter in accordance with the design, completed by the KPA Group.
Brief Scope of Work:	The seismic retrofit work will occur in several locations within the MetroCenter and will include the construction of new concrete walls, new concrete encasements of existing steel columns, new epoxied bar anchorages, new steel tube columns and new steel connections tying the Auditorium to the main building. Interior finish work will include restroom renovations, limited accessibility improvements, and minor demolition and restoration of existing facilities, partitions, doors and frames, ceilings, and other finishes including mechanical and electrical work as necessary to accomplish the seismic retrofit work.
Project Cost Not to Exceed:	<p>If William P. Young is selected: \$3,086,433 plus a contingency of \$550,000 (not included in the contract) for a total not to exceed \$3,466,433.</p> <p>If Cal Pacific is selected: \$3,087,000 plus a contingency of \$550,000 (not included in the contract) for a total not to exceed \$3,467,000.</p>
Funding Source:	FEMA Hazard Mitigation Grant; Local Match to be reimbursed by the Regional Administrative Facility Corporation (RAFC)
Fiscal Impact:	Included in MTC operating budget as a capital expense
Motion by Committee:	<p>That the Executive Director or his designee be authorized to</p> <ul style="list-style-type: none">• Reject Rubecon's bid and to award a contract to William P. Young, assuming that the bid verification process shows that William P. Young is a responsible contractor and that its bid is responsive;• If William P. Young is found to be nonresponsive, if its bid is not responsive, or if after notice of award, William P. Young cannot secure performance and payment bonds within the requisite time

period, reject William P. Young's bid and award a contract to Cal Pacific, assuming that the bid verification process shows that Cal Pacific is a responsible contractor and that its bid is responsive; and

- If Cal Pacific is found to be nonresponsive, if its bid is not responsive, or if after notice of award, Cal Pacific cannot secure performance and payment bonds, reject Cal Pacific's bid and readvertise.

That, depending on the outcome of the above, the Executive Director or his designee is authorized to award a contract to William P. Young Construction, Inc. or to Cal Pacific Construction, Inc. to construct the seismic retrofit of the Joseph P. Bort MetroCenter in the amount of \$3,086,433, for a contract to William P. Young, or in the amount of \$3,087,000, for a contract to Cal Pacific, and to authorize a separate contingency of \$550,000 to be used at the sole discretion of MTC for changes in the work, and that the Chief Financial Officer is directed to set aside funds for such contract and for the contingency.

Administration Committee:

Bob Blanchard, Chair

Approved:

Date: October 3, 2007